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BALANCE STAFFING WORKFORCE, LLC (erroneously sued as Balance Staffing) and
PERSONNEL STAFFING GROUP, LLC (erroneously sued as MVP PERSONNEL
STAFFING GROUP)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GEORGE J. AUSTIN, an individual

Plaintiff,

vs.

TESLA, INC., et al.,

Defendants.

CASE NO. 3:20-cv-00800-EMC

**[PROPOSED] ORDER GRANTING
DEFENDANT PERSONNEL
STAFFING GROUP, LLC'S
NOTICE OF AND
MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT
OF MOTION TO STRIKE
PLAINTIFF'S SECOND
AMENDED COMPLAINT, AND
JOINDER IN DEFENDANT
TESLA'S MOTION TO DISMISS
OR STRIKE PORTIONS OF
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

**DEFENDANT TESLA'S MOTION
TO DISMISS HEARING**

**Date: December 17, 2020
Time: 1:30 p.m.
Courtroom: 5
Judge: Edward M. Chen**

Defendant PERSONNEL STAFFING GROUP, LLC's (erroneously sued as MVP
PERSONNEL STAFFING GROUP) ("PSG") Joinder to Defendant TESLA, INC. D/B/A IN

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**[PROPOSED] ORDER GRANTING DEFENDANT PERSONNEL STAFFING GROUP, LLC'S NOTICE OF
AND MPA IN SUPPORT OF MOTION TO STRIKE, AND JOINDER IN DEFENDANT TESLA'S MOTION TO
DISMISS OR STRIKE PORTIONS OF PLAINTIFF'S FIRST AMENDED COMPLAINT**
Case No. 3:20-cv-00800-EMC

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CALIFORNIA AS TESLA MOTORS, INC.’s (erroneously sued as TESLA, INC.) (“Tesla”) Motion to Dismiss, or in the alternative, Motion to Strike Portions of Plaintiff GEORGE AUSTIN’s First Amended Complaint and Defendant PSG’s Motion to Strike Plaintiff’s Second Amended Complaint came before this Court for hearing on December 17, 2020.

Having considered the moving, opposition and reply papers, and argument of the parties and counsel at hearing, and good cause appearing, the Court hereby issues the following ruling:

1. Defendant PSG may join in the Motion to Dismiss filed by Defendant Tesla with respect to each and every cause of action in Plaintiff’s First Amended Complaint.

AND/OR

2. All relief ordered by the Court with respect to any causes of action in Plaintiff’s First Amended Complaint is ordered in favor of Defendant PSG as well.

AND/OR

3. Plaintiff’s First Amended Complaint is dismissed in its entirety with prejudice and without leave to amend.

AND/OR

4. Defendant PSG may join in the Motion to Strike Portions of Plaintiff’s First Amended Complaint filed by Defendant Tesla.

AND/OR

5. Plaintiff did not obtain leave from the Court or written consent from the opposing parties to file the Second Amended Complaint, as required by Federal Rules of Civil Procedure, Rule 15(a). Thus, Plaintiff’s Second Amended Complaint is stricken in its entirety under Federal Rules of Civil Procedure, Rule 12(f).

IT IS SO ORDERED.

DATE:

United States District Judge

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